

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - PR&RD Department – Sri N. Hanumanthu, the then Deputy Executive Engineer and Executive Engineer, P.R. Division, Jagitial, Karimnagar District (Now retired) - Departmental proceedings under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 – Articles of charge – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.IA) DEPARTMENT

G.O.Rt.No. 1075

Date:21-07-2010.

ORDER:

It is proposed to hold an enquiry against Sri N. Hanumanthu, the then Deputy Executive Engineer and Executive Engineer, P.R. Division, Jagitial, Karimnagar District (Now retired) in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the enquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A list of documents by which and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-II and III).

3. Sri N. Hanumanthu, the then Deputy Executive Engineer and Executive Engineer, P.R. Division, Jagitial, Karimnagar District (Now retired)is directed to submit within (10) days of the receipt of this order, a written statement of his defence.

4. Sri N. Hanumanthu, the then Deputy Executive Engineer and Executive Engineer, P.R. Division, Jagitial, Karimnagar District (Now retired)is informed that an enquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri N. Hanumanthu, the then Deputy Executive Engineer and Executive Engineer, P.R. Division, Jagitial, Karimnagar District (Now retired)is further informed that if he does not submit his written statement of defence on or before the period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex parte.

6. Attention of Sri N. Hanumanthu, the then Deputy Executive Engineer and Executive Engineer, P.R. Division, Jagitial, Karimnagar District (Now retired)is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri N. Hanumanthu, the then Deputy Executive Engineer and Executive Engineer, P.R. Division, Jagitial, Karimnagar District (Now retired)is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of the Memorandum be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH

M.V.P.C. SASTRY
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

Sri N. Hanumanthu, the then Deputy Executive Engineer and Executive Engineer, P.R. Division, Jagitial, Karimnagar District (Now retired)through the Engineer-in-Chief, PR, Hyderabad.

(P.T.O.)

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The Engineer-in-Chief, PR, Hyderabad (in duplicate with a request to serve and return the dated acknowledgement copy).

Copy to:

The PR&RD (Estt.I) Department.

//FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SRI N. HANUMANTHU, THE THEN DEPUTY EXECUTIVE ENGINEER AND EXECUTIVE ENGINEER, P.R. DIVISION, JAGITIAL, KARIMNAGAR DISTRICT (RETIRED ON 31.08.2007)

CHARGE 1:

That the said Sri N. Hanumanthu, while he was working as Deputy Executive Engineer and Executive Engineer in P.R. Division, Jagitial, has committed certain irregularities in execution of work "Road from Poodur to Surampet" in Kodimial (M).

- (a) He check measured the work, allowed and recommended for payment with ante dates to facilitate the contractor for price escalation claims, for want of personal gain.
- (b) Due to deficiency in B.T. and over size in Grade II metal layer, an amount of Rs.20,673/- (Rs. 15,599/- + Rs.5,074/-) needs recovery.

CHARGE 2:

That he committed certain irregularities in execution of work "Road from Itikyal to Mootapalli, Raikal (M)".

- (a) He check measured the work, allowed and recommended for payment with ante dates to facilitate the contractor for price escalation claims, for want of personal gain.
- (b) Due to deficiency in B.T. and over size in 40-45mm metal, an amount of Rs.24,314/- (Rs. 8,622/- + Rs.15,692/-) needs recovery.

CHARGE 3:

That he has committed certain irregularities in execution of work "Road from Kondapur to Oddad, Maidipalli (M)".

- (a) He recorded measurements with ante dates to facilitate the contractor for price escalation claims, for want of personal gain.
- (b) Due to deficiency in weight of Gr.III metal and over size in Gr.II and Gr.III metal layers, an amount of Rs.34,636/- (Rs. 22,385/- + Rs.12,251/-) needs recovery.

BASIS FOR THE CHARGES (1), (2) & (3):

As verified by the Vigilance & Enforcement officials, the works (a) "Road from Poodur to Surampet (Modimiyal Mandal); (2) Road from Itikyal to Mootapalli (Raikal Mandal) and (3) Road Kondapur to Oddad, Maidipalli (M)" were taken PMGSY Phase-IV, NABARD RIDF and PMGSY Phase-V, respectively.

(1) The work "Road from Poodur to Surampet" was taken up under PMGSY Phase-IV for Rs.153.86 lakhs and entrusted to M/s. Vijaya Sree Constructions, Hanamkonda, for Rs.131.00 lakhs at (+) 4.97% excess over the estimate contract value (ECV) with completion date as 07.11.2006. Extension of Agreement Time was sanctioned up to 28.05.2007. The work was completed as on the date of inspection i.e. 04.07.2008.

As verified from the records L.SCC 6th to 9th part bills payments were released on 10.06.2007, 30.06.2007, 03.10.2007 and 21.02.2008 i.e. prior to the dates of recording measurements. The dates of recording measurements and bills passed are as follows:-

(P.T.O.)

BILL	DATE OF RECORDING	DATE OF BILL PASSED
VI & PART BILL WBM Gr.III OGPC + SC	25.01.2007 05.02.2007	05.06.2007 05.06.2007
VII & PART BILL WBM Gr.III OGPC + SC	05.03.2007 18.02.2007	28.06.2007 28.06.2007
VIII & PART BILL WBM & GR. III	05.04.2007	28.09.2007
IX & PART BILL OGPC + SC	25.01.2008	20.02.2008

As seen from the above, the measurements recorded up to i.e. 05.04.07, have been included in the Bill VIth and part bill only, which was passed on 05.06.2007 and paid on 10.06.2007. But subsequently three bills were paid for the measurements recorded prior to agreement completion date i.e. 28.05.2007 which shows that the measurements were recorded and check measured with back dates to facilitate price escalation claims for the contractor for benefits.

(2) The work "Road from Itikyal to Mootapalli" was taken up under NABARD RIDF for Rs.81.00 lakhs and entrusted to Sri Y. Rajeswar Reddy, Jagitial, for Rs.57.33 lakhs at an (+) 2.89% excess over the estimate contract value (ECV) with completion date as 26.01.2007. Extension of Agreement Time was sanctioned upto 29.01.2008 as on the date of inspection on 17.07.2008. The work was completed within the EOAT period.

As verified from the M. Books, the measurements were recorded within the EOAT period i.e. 29.01.08. But the bills from LS C.C. III rd and part bill to VIth part and bill were released on 26.03.07, 04.05.07, 03.07.07 and 05.05.08. Had the measurements actually been recorded for finished items i.e. WBM Gr.II and Gr.III and OGPC prior to 26.03.07, the same had to be incorporated for payment in the subsequent immediate bill i.e. LSCC IIIrd and part bill on 26.03.07. But the measurements were included upto VIth and part bill which was released on 05.05.08 after 1 year and 3 months, which indicates that the measurements were recorded with back dates. Further no agency will wait for payment after completion of work for such a long period when the LOC is available.

(3) The work "Road Kondapur to Oddad, Maidipalli (M)" was taken up under PMGSY Phase-V for Rs.169.72/253.00 lakhs and entrusted to M/s. Sri Sai Ram Enterprises, Jaigitial at (+) 3.69% excess over the estimate contract value (ECV). As per agreement, the actual date of completion is 06.08.2007 and the work was physically completed as on the date of inspection i.e. on 21.08.2008.

As verified from the records, LS 6th and 7th part bills were released on 05.01.2008 and 18.03.2008 respectively. But the measurements were recorded on the dates shown below:-

BILL	DATE OF RECORDING	DATE OF BILL PAID
V & PART BILL GSB WBM Gr. II C.C. Work	11.06.2007 19.06.2007 25.06.2007	28.07.2007
VI & PART BILL WBM Gr.II WBM Gr.III	25.06.2007 10.07.2007	05.01.2008
VII & PART BILL WBM & Gr. II WBM Gr. III OGPC + SC	04.07.07 16.07.2007 18.07.2007	18.03.2008

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As seen from the above particulars, if all the measurements were recorded prior to date of LS V & Part Bill, the quantities would have been included in LS V & Part Bill. But subsequently, LS VI & LS VII Part bills were also paid on 05.01.2008 and 18.03.2008 respectively without including the above measurements recorded prior to 28.07.2007.

As per the norms, measurements for any component of the work shall be recorded in M.Book, only when the work is executed as per the specifications to the satisfaction of the Engineer-in-Charge and payments shall be released accordingly. If any rectification is required, it shall be taken up by the contractor concerned at his cost during the defect liability period as per agreement conditions.

Even though measurements were recorded prior to agreement completion dates/EOAT and there was no paucity of funds, the same were not incorporated in the immediate subsequent bills for payment which indicates that the measurements were recorded with back dates to facilitate price escalation claims for the contractors.

This clearly indicates that the Delinquent Officer check measured, allowed and recommended payment for measurements recorded with ante dates for the above three works.

As per the norms, measurements for any component of the work shall be recorded in M.Book, only when the work is executed as per the specifications to the satisfaction of the Engineer-in-Charge and payments shall be released accordingly. If any rectification is required, it shall be taken up by the contractor concerned at his cost during the defect liability period as per agreement conditions.

Even though measurements were recorded prior to agreement completion dates/EOAT and there was no paucity of funds, the same were not incorporated in the immediate subsequent bills for payment which indicates that the measurements were recorded and check measured with back dates to facilitate price escalation claims for the contractors.

This clearly indicates that the Delinquent Officer check measured, allowed and recommended payment for the measurements with ante dates for the above three works to facilitate the contractor for benefits.

Further, as per the tests conducted, deficiencies noticed in Bitumen content, weight and over size in Grade II and Grade III metal layers due to which Rs.20,673/- (R/f Poodur to Surampet); Rs.24,314/- (R/f Itikyal to Mootapalli); and Rs.34,636/- (R/f Kondapur to Oddad) paid excess than the work actually executed resulting which the works were executed with less quality and the amount is to be recovered.

Hence, the charge.

M.V.P.C. SASTRY
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE-II

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES FRAMED AGAINST SRI N. HANUMANTHU, THE THEN DEPUTY EXECUTIVE ENGINEER AND EXECUTIVE ENGINEER, P.R. DIVISION, JAGITAL, KARIMNAGAR DISTRICT (RETIRED ON 31.08.2007). ARE PROPOSED TO BE SUSTAINED

Vigilance Report No. 25(1520/V&E/E2/2007), Dt.: 22.03.2010 of the Director General, Genl. Admn. (V&E) Dept.

M.V.P.C. SASTRY
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE-III

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGES FRAMED AGAINST SRI N. HANUMANTHU, THE THEN DEPUTY EXECUTIVE ENGINEER AND EXECUTIVE ENGINEER, P.R. DIVISION, JAGITAL, KARIMNAGAR DISTRICT (RETIRED ON 31.08.2007) ARE PROPOSED TO BE SUSTAINED

- NIL -

M.V.P.C. SASTRY
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED BY ORDER//

SECTION OFFICER